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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,159

02/11/2004

Koji Kabatani

1619.1027

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7590

08/03/2009

Fujitsu Patent Center  
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EXAMINER

MAI, KEVIN S

ART UNIT

PAPER NUMBER

2456

MAIL DATE

DELIVERY MODE

08/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,159	<b>Applicant(s)</b> KABATANI, KOJI	
	<b>Examiner</b> KEVIN S. MAI	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. This Office Action has been issued in response to Applicant's Amendment filed May 8, 2009.
2. Claims 10-13 have been canceled. Claim 8 has been amended. Claim 19 has been added. Claims 8, 9 and 19 have been examined and are pending.

***Response to Arguments***

3. Applicant's arguments filed May 8, 2009 have been fully considered but they are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 112***

4. In view of claims 10-13 being canceled the pending claim rejections under 35 USC § 112 have been withdrawn.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 8, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. Pub. No. 2003/0101450 A1 to Davidsson et al. (hereinafter "Davidsson") and further in view of

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US Pat. No. 5929927 to Rumreich et al. (hereinafter “Rumreich”) and further in view of US Pat. No. 6060997 to Taubenheim et al. (hereinafter “Taubenheim”).

7. As to Claim 8, Davidsson discloses a **streaming delivery method comprising:**

Davidsson does not explicitly disclose **presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server;**

Davidsson does not explicitly disclose **storing a log collection interval;**

**collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being**

**streamed by the streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system) **at one or more moments within the log collection interval** (Paragraph [0010] of Davidsson discloses receiving text

communications from at least one other television viewer. It is seen that the log collection interval is simply the time between collection points and as such all actions would occur during at least one log collection interval since string of log collection intervals are continuous.

Accordingly receiving text communications at any time would be collecting text data at one or more moments within a log collection interval), **the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit);

Davidsson does not explicitly disclose **counting the amount of collected text data and storing the same in the streaming server;**

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**superimposing the collected text data on the moving image content being streamed by the streaming server** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers); **and**

**delivering the moving image content on which the collected text data is superimposed to the user terminal by the streaming server** (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal);

Davidsson does not explicitly disclose **wherein the streaming server determines display time for the collected text data based on the count, the maximum amount of text data which can be displayed on the screen at a time and the log collection interval.**

Davidsson does not explicitly disclose presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server.

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. Thus it is seen that the maximum is two full rows. As to the value being stored in a server, it is seen that the inventions ability to pause after filling the two rows means it must know how much it can display, and thus must know the maximum amount of text data)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with having a maximum amount of text that may be displayed as disclosed by Rumreich. One of ordinary skill in the art would have

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been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

Davidsson does not explicitly disclose counting the amount of collected text data and storing the same in the streaming server

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. Thus since a pause is modulated to increase or decrease according to buffer fullness, it is seen that the invention must be counting the amount of collected text data in the buffer)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with counting the amount of collected text data as disclosed by Rumreich. One of ordinary skill in the art would have been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

Davidsson does not explicitly disclose wherein the streaming server determines display time for the collected text data based on the count and the maximum amount of text data which can be displayed on the screen at a time.

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. Where the display time is seen to be equivalent to

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the pause time before scrolling a new line of text, the buffer fullness is equivalent to the number of the collected text data, and the two full rows of text are equivalent to the number which can be displays on a screen at a time. Thus it is seen that the server sets the display time (pause is modulated) on a basis of the number of the collected text data (depending upon the buffer fullness) and the number of text data which can be displayed (when two full rows of text fill the caption window))

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with modulating the duration of the display time as disclosed by Rumreich. One of ordinary skill in the art would have been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

Davidsson-Rumreich does not explicitly disclose storing a log collection interval.

However, Taubenheim discloses this (Column 9 lines 55 - Column 10 lines 25 of Taubenheim disclose the system taking into account the remaining time before the next information segment. This is seen to be the same as the log collection interval since the two are indications of when new text is incoming)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the caption presenting system as disclosed by Davidsson-Rumreich, with utilizing a log collection interval as disclosed by Taubenheim. One of ordinary skill in the art would have been motivated to combine to ensure seamless streaming of information (Column 10 lines 1-5 of Taubenheim).

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Davidsson-Rumreich does not explicitly disclose determining display time according to the log collection interval.

However, Taubenheim discloses this (Column 9 lines 55 - Column 10 lines 25 of Taubenheim discloses finding a display rate utilizing the time to the next frame)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the caption presenting system as disclosed by Davidsson-Rumreich, with utilizing a log collection interval as disclosed by Taubenheim. One of ordinary skill in the art would have been motivated to combine to ensure seamless streaming of information (Column 10 lines 1-5 of Taubenheim).

8. **As to Claim 9**, Davidsson-Rumreich-Taubenheim discloses the invention as claimed as described in claim 8, **wherein, in a case that the amount of collected text data is greater than the maximum amount, the streaming server sets the display time to a shorter value as the amount of collected text data increases** (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. When the buffer is very full no pause is generated, this implies that the display time is shortened as the number of collected data increases. Column 5 lines 1-10 of Rumreich further disclose that as the amount of text available for display increases, the duration of the pause decreases).

Examiner recites the same rationale to combine used in claim 8.



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9. **As to Claim 19**, Davidsson-Rumreich-Taubenheim discloses the invention as claimed as described in claim 9. Davidsson-Rumreich-Taubenheim does not explicitly disclose **wherein the streaming server sets the display time obtained by dividing the log collection interval by an integer, the integer being obtained by rounding up a value obtained by dividing the amount of the collected text data by the maximum amount of text data.**

However, such a feature would have been obvious in view of Taubenheim. Column 9 lines 55 - Column 10 lines 25 of Taubenheim disclose calculating a display rate by finding the number of characters-per-frame divided by the time to the next frame. This is effectively the same calculation as the one disclosed by applicant. Applicant's formula essentially finds the number of times new sets of messages need to appear (dividing the amount of collected text data by the maximum amount of text data) and then divides a given time frame (log collection interval) by this amount to figure out how long each set of messages can remain on the screen. Taubenheim discloses finding the number of characters that need to be displayed (amount of new sets of messages that need to appear) and dividing this figure by the amount of time until the next segment of information comes in (a given time frame) to produce a rate at which the characters should be displayed. Taubenheim produces a rate in characters per second however this can easily be flipped to determine the number of seconds given to display a given character. Thus applicant's formula is seen to be obvious in view of Taubenheim since both essentially find a rate at which text needs to be displayed in order to finish before the next set of information comes in.

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***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. S. M./  
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/  
Supervisory Patent Examiner, Art Unit 2456